

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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GOVERNMENT EMPLOYEES INSURANCE	:	<b>CASE NO.: 1:15-cv-03135-ARR-SMG</b>
COMPANY, GEICO INDEMNITY COMPANY,	:	
GEICO GENERAL INSURANCE COMPANY, and:	:	
GEICO CASUALTY COMPANY	:	
	:	
	:	
Plaintiffs,	:	
	:	
	:	
-against-	:	
	:	
	:	
ARKADY KINER, L.A.C, ARNICA	:	
ACUPUNCTURE P.C., STEVEN WOLFSON,	:	
L.AC., GLOBAL ACUPUNCTURE, P.C.,	:	
ALEXANDRA SHERESHEVSKAYA, M.D.,	:	
MODERN PSYCHIATRIC SERVICES, P.C.,	:	
TAMERA A. GAD, P.T., UNIVERSAL	:	
REHAB PT, P.C., CHESTER JAY REGANIT	:	
TOLEMTINO, P.T., SPEEDY WAY PT, P.C.,	:	
YOMAYRA RODRIGUEZ, THERAPEUTIC	:	
SOLUTIONS MASSAGE THERAPY, P.C.,:	:	
	:	
	:	
-and-	:	
	:	
	:	
RAFAEL DJAFAROV, ALEXANDER	:	
SHVARTSBERG, and JOHN DOE	:	
DEFENDANTS 1-10,	:	
	:	
	:	
Defendants.	:	

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**ANSWER**

Defendant ALEXANDER SHVARTSBERG, answers the Amended Complaint of Plaintiffs  
GOVERNMENT EMPLOYEES INSURANCE COMPANY, GEICO INDEMNITY  
COMPANY, GEICO GENERAL INSURANCE COMPANY, and GEICO CASUALTY  
COMPANY, as follows:

### **NATURE OF THE ACTION**

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Amended Complaint.
2. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Amended Complaint.
3. Defendant denies the allegations contained in paragraph 3 of the Amended Complaint.
4. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Amended Complaint.
5. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Amended Complaint.
6. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Amended Complaint.
7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Amended Complaint.

### **THE PARTIES**

#### **I. Plaintiffs**

8. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Amended Complaint.

#### **II. Defendants**

9. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Amended Complaint.
10. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Amended Complaint.

11. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Amended Complaint.
12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Amended Complaint.
13. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Amended Complaint.
14. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Amended Complaint.
15. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Amended Complaint.
16. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Amended Complaint.
17. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Amended Complaint.
18. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the Amended Complaint.
19. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the Amended Complaint.
20. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Amended Complaint.
21. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Amended Complaint.

22. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the Amended Complaint.

23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of the Amended Complaint.

24. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24 of the Amended Complaint.

25. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 of the Amended Complaint.

26. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 26 of the Amended Complaint.

27. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 27 of the Amended Complaint.

28. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 28 of the Amended Complaint.

29. Defendant denies the allegations contained in paragraph 29 of the Amended Complaint.

30. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30 of the Amended Complaint.

**III. Ricardo Galdamez, M.D., Gianna Medical, P.C., and Charles Davis, MD**

31. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 31 of the Amended Complaint.

32. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 32 of the Amended Complaint.

33. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 33 of the Amended Complaint.

34. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 34 of the Amended Complaint.

35. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 35 of the Amended Complaint.

36. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 36 of the Amended Complaint.

37. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 37 of the Amended Complaint.

#### **JURISDICTION AND VENUE**

38. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 38 of the Amended Complaint.

39. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 39 of the Amended Complaint.

#### **ALLEGATIONS COMMON TO ALL CLAIMS**

##### **I. An Overview of the No-Fault Laws and Licensing Statutes**

40. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 40 of the Amended Complaint.

41. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 41 of the Amended Complaint.

42. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 42 of the Amended Complaint.

43. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43 of the Amended Complaint.

44. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 of the Amended Complaint.

45. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 45 of the Amended Complaint.

46. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 46 of the Amended Complaint.

47. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 47 of the Amended Complaint.

48. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 48 of the Amended Complaint.

49. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 49 of the Amended Complaint.

50. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 50 of the Amended Complaint.

51. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 51 of the Amended Complaint.

52. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 52 of the Amended Complaint.

## **II. The Djafarov Indictment and Subsequent Guilty Plea**

53. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 53 of the Amended Complaint.

54. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 54 of the Amended Complaint.

### **III. The Defendants' Fraudulent Scheme**

55. Defendant denies the allegations contained in paragraph 55 of the Amended Complaint.

56. Defendant denies the allegations contained in paragraph 56 of the Amended Complaint.

#### **A. The Fraudulent Incorporation and Operation of the Provider Defendants**

57. Defendant denies the allegations contained in paragraph 57 of the Amended Complaint.

58. Defendant denies the allegations contained in paragraph 58 of the Amended Complaint.

59. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 59 of the Amended Complaint.

60. Defendant denies the allegations contained in paragraph 60 of the Amended Complaint.

61. Defendant denies the allegations contained in paragraph 61 of the Amended Complaint.

62. Defendant denies the allegations contained in paragraph 62 of the Amended Complaint.

63. Defendant denies the allegations contained in paragraph 63 of the Amended Complaint.

#### **1. The fraudulent Incorporation of Gianna Medical**

64. Defendant denies the allegations contained in paragraph 64 of the Amended Complaint.

65. Defendant denies the allegations contained in paragraph 65 of the Amended Complaint.

66. Defendant denies the allegations contained in paragraph 66 of the Amended Complaint.

67. Defendant denies the allegations contained in paragraph 67 of the Amended Complaint.

#### **2. The Fraudulent Operation and Control of Charles S. Davis, M.D.**

68. Defendant denies the allegations contained in paragraph 68 of the Amended Complaint.

69. Defendant denies the allegations contained in paragraph 69 of the Amended Complaint.

70. Defendant denies the allegations contained in paragraph 70 of the Amended Complaint.

71. Defendant denies the allegations contained in paragraph 71 of the Amended Complaint.

72. Defendant denies the allegations contained in paragraph 72 of the Amended Complaint.

73. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 73 of the Amended Complaint.

74. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 74 of the Amended Complaint.

75. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 75 of the Amended Complaint.

76. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 76 of the Amended Complaint.

### **3. The Fraudulent Incorporation of Arnica Acupuncture**

77. Defendant denies the allegations contained in paragraph 77 of the Amended Complaint.

78. Defendant denies the allegations contained in paragraph 78 of the Amended Complaint.

79. Defendant denies the allegations contained in paragraph 79 of the Amended Complaint.

80. Defendant denies the allegations contained in paragraph 80 of the Amended Complaint.

81. Defendant denies the allegations contained in paragraph 81 of the Amended Complaint.

82. Defendant denies the allegations contained in paragraph 82 of the Amended Complaint.

83. Defendant denies the allegations contained in paragraph 83 of the Amended Complaint.

84. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 84 of the Amended Complaint.

85. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 85 of the Amended Complaint.



**4. The Fraudulent Incorporation of Global Acupuncture**

86. Defendant denies the allegations contained in paragraph 86 of the Amended Complaint.

87. Defendant denies the allegations contained in paragraph 87 of the Amended Complaint.

88. Defendant denies the allegations contained in paragraph 88 of the Amended Complaint.

89. Defendant denies the allegations contained in paragraph 89 of the Amended Complaint.

90. Defendant denies the allegations contained in paragraph 90 of the Amended Complaint.

91. Defendant denies the allegations contained in paragraph 91 of the Amended Complaint.

92. Defendant denies the allegations contained in paragraph 92 of the Amended Complaint.

93. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 93 of the Amended Complaint.

94. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 94 of the Amended Complaint.

95. Defendant denies the allegations contained in paragraph 95 of the Amended Complaint.

96. Defendant denies the allegations contained in paragraph 96 of the Amended Complaint.

97. Defendant denies the allegations contained in paragraph 97 of the Amended Complaint.

98. Defendant denies the allegations contained in paragraph 98 of the Amended Complaint.

99. Defendant denies the allegations contained in paragraph 99 of the Amended Complaint.

100. Defendant denies the allegations contained in paragraph 100 of the Amended Complaint.

101. Defendant denies the allegations contained in paragraph 101 of the Amended Complaint.

102. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 102 of the Amended Complaint.

**6. The Fraudulent Incorporation of Speedy Way**

103. Defendant denies the allegations contained in paragraph 103 of the Amended Complaint.

104. Defendant denies the allegations contained in paragraph 104 of the Amended Complaint.

105. Defendant denies the allegations contained in paragraph 105 of the Amended Complaint.

106. Defendant denies the allegations contained in paragraph 106 of the Amended Complaint.

107. Defendant denies the allegations contained in paragraph 107 of the Amended Complaint.

108. Defendant denies the allegations contained in paragraph 108 of the Amended Complaint.

109. Defendant denies the allegations contained in paragraph 109 of the Amended Complaint.

110. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 110 of the Amended Complaint.

111. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 111 of the Amended Complaint.

**7. The Fraudulent Incorporation of Therapeutic Solutions**

112. Defendant denies the allegations contained in paragraph 112 of the Amended Complaint.

113. Defendant denies the allegations contained in paragraph 113 of the Amended Complaint.

114. Defendant denies the allegations contained in paragraph 114 of the Amended Complaint.

115. Defendant denies the allegations contained in paragraph 115 of the Amended Complaint.

116. Defendant denies the allegations contained in paragraph 116 of the Amended Complaint.

117. Defendant denies the allegations contained in paragraph 117 of the Amended Complaint.

118. Defendant denies the allegations contained in paragraph 118 of the Amended Complaint.

119. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 119 of the Amended Complaint.

**8. The Purchase of Shereshevskaya's Medical License and Fraudulent Ownership of Modern Psychiatric**

120. Defendant denies the allegations contained in paragraph 120 of the Amended Complaint.

121. Defendant denies the allegations contained in paragraph 121 of the Amended Complaint.

122. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 122 of the Amended Complaint.

123. Defendant denies the allegations contained in paragraph 123 of the Amended Complaint.

124. Defendant denies the allegations contained in paragraph 124 of the Amended Complaint.

125. Defendant denies the allegations contained in paragraph 125 of the Amended Complaint.

126. Defendant denies the allegations contained in paragraph 126 of the Amended Complaint.

127. Defendant denies the allegations contained in paragraph 127 of the Amended Complaint.

128. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 128 of the Amended Complaint.

**9. The Management Defendants' Efforts to Conceal Their Ownership and Control of the Provider Defendants**

129. Defendant denies the allegations contained in paragraph 129 of the Amended Complaint.

130. Defendant denies the allegations contained in paragraph 130 of the Amended Complaint.

131. Defendant denies the allegations contained in paragraph 131 of the Amended Complaint.

132. Defendant denies the allegations contained in paragraph 132 of the Amended Complaint.

**B. The Defendants' Fraudulent Treatment and Billing Protocol**

133. Defendant denies the allegations contained in paragraph 133 of the Amended Complaint.

134. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 134 of the Amended Complaint.

**1. The Bogus Initial Examination**

135. Defendant denies the allegations contained in paragraph 135 of the Amended Complaint.

136. Defendant denies the allegations contained in paragraph 136 of the Amended Complaint.

137. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 137 of the Amended Complaint.

**2. The Fraudulent Accupuncture**

138. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 138 of the Amended Complaint.

139. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 139 of the Amended Complaint.

**a. Legitimate Acupuncture Practices**

140. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 140 of the Amended Complaint.

141. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 141 of the Amended Complaint.

142. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 142 of the Amended Complaint.

143. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 143 of the Amended Complaint.

144. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 144 of the Amended Complaint.

145. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 145 of the Amended Complaint.

146. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 146 of the Amended Complaint.

147. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 147 of the Amended Complaint.

148. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 148 of the Amended Complaint.

**b. The Acupuncture Defendants' Fraudulent Initial Examinations**

149. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 149 of the Amended Complaint.

150. Defendant denies the allegations contained in paragraph 150 of the Amended Complaint.

151. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 151 of the Amended Complaint.

152. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 152 of the Amended Complaint.

153. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 153 of the Amended Complaint.

154. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 154 of the Amended Complaint.

155. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 155 of the Amended Complaint.

156. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 156 of the Amended Complaint.

157. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 157 of the Amended Complaint.

158. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 158 of the Amended Complaint.

159. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 159 of the Amended Complaint.

160. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 160 of the Amended Complaint.

161. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 161 of the Amended Complaint.

162. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 162 of the Amended Complaint.

163. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 163 of the Amended Complaint.

164. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 164 of the Amended Complaint.

165. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 165 of the Amended Complaint.

166. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 166 of the Amended Complaint.

167. Defendant denies the allegations contained in paragraph 167 of the Amended Complaint.

**c. The Acupuncture Defendants' Fraudulent Acupuncture Treatments**

168. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 168 of the Amended Complaint.

169. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 169 of the Amended Complaint.

170. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 170 of the Amended Complaint.

171. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 171 of the Amended Complaint.

172. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 172 of the Amended Complaint.

173. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 173 of the Amended Complaint.

174. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 174 of the Amended Complaint.

**3. The Bogus Physical Therapy and the Fraudulent Concealment of Excessive Treatment and Billing**

175. Defendant denies the allegations contained in paragraph 175 of the Amended Complaint.

176. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 176 of the Amended Complaint.

177. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 177 of the Amended Complaint.

178. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 178 of the Amended Complaint.

179. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 179 of the Amended Complaint.

180. Defendant denies the allegations contained in paragraph 180 of the Amended Complaint.

181. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 181 of the Amended Complaint.

182. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 182 of the Amended Complaint.

183. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 183 of the Amended Complaint.

184. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 184 of the Amended Complaint.

**4. The Bogus Psychiatric Treatment**

185. Defendant denies the allegations contained in paragraph 185 of the Amended Complaint.

186. Defendant denies the allegations contained in paragraph 186 of the Amended Complaint.

**a. The Bogus “Diagnostic Interview Examination” and “Record Evaluation” Charges**

187. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 187 of the Amended Complaint.

188. Defendant denies the allegations contained in paragraph 188 of the Amended Complaint.

189. Defendant denies the allegations contained in paragraph 189 of the Amended Complaint.

190. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 190 of the Amended Complaint.

191. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 191 of the Amended Complaint.

**b. The Bogus Psychotherapy and “Psychological Testing” Charges**

192. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 192 of the Amended Complaint.



193. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 193 of the Amended Complaint.

194. Defendant denies the allegations contained in paragraph 194 of the Amended Complaint.

195. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 195 of the Amended Complaint.

196. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 196 of the Amended Complaint.

197. Defendant denies the allegations contained in paragraph 197 of the Amended Complaint.

198. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 198 of the Amended Complaint.

199. Defendant denies the allegations contained in paragraph 199 of the Amended Complaint.

**C. The Fraudulent Billing for Services Provided by Independent Contractors**

200. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 200 of the Amended Complaint.

201. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 201 of the Amended Complaint.

202. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 202 of the Amended Complaint.

203. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 203 of the Amended Complaint.

204. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 204 of the Amended Complaint.

205. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 205 of the Amended Complaint.

206. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 206 of the Amended Complaint.

207. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 207 of the Amended Complaint.

208. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 208 of the Amended Complaint.

209. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 209 of the Amended Complaint.

210. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 210 of the Amended Complaint.

211. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 211 of the Amended Complaint.

212. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 212 of the Amended Complaint.

213. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 213 of the Amended Complaint.

214. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 214 of the Amended Complaint.

**D. The Fraudulent Billing the Defendants Submitted or Caused to be Submitted to  
GEICO**

215. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 215 of the Amended Complaint.

216. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 216 of the Amended Complaint.

**III. The Defendants' Fraudulent Concealment and GEICO's Justifiable Reliance**

217. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 217 of the Amended Complaint.

218. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 218 of the Amended Complaint.

219. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 219 of the Amended Complaint.

220. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 220 of the Amended Complaint.

221. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 221 of the Amended Complaint.

222. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 222 of the Amended Complaint.

223. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 223 of the Amended Complaint.

224. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 224 of the Amended Complaint.

225. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 225 of the Amended Complaint.

226. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 226 of the Amended Complaint.

227. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 227 of the Amended Complaint.

Defendants herein, pleading in the alternative and without prejudice to their denials asserted in their Answer to the Amended Complaint, asserts and alleges the following separate and affirmative defenses to the Amended Complaint. By listing any matter as a defense, Defendants do not assume the burden of proving any matter upon which Plaintiffs bear the burden of proof under the applicable law. In addition, Defendants specifically reserve the right to restate, amend, or delete any defense and/or assert any additional defenses.

**FIRST CAUSE OF ACTION**  
**Against All Defendants**  
**(Declaratory Judgment – 28 U.S.C. §§ 2201 and 2202)**

228. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

229. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 229 of the Amended Complaint.

230. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 230 of the Amended Complaint.

231. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 231 of the Amended Complaint.

232. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 232 of the Amended Complaint.

233. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 233 of the Amended Complaint.

234. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 234 of the Amended Complaint.

235. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 235 of the Amended Complaint.

**SECOND CAUSE OF ACTION**  
**Against Kiner and the Management Defendants**  
**(Violation of RICO, 18 U.S.C § 1962(c))**

236. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

237. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 237 of the Amended Complaint.

238. Defendant denies the allegations contained in paragraph 238 of the Amended Complaint.

239. Defendant denies the allegations contained in paragraph 239 of the Amended Complaint.

240. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 240 of the Amended Complaint.

241. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 241 of the Amended Complaint.

242. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 242 of the Amended Complaint.

**THIRD CAUSE OF ACTION**  
**Against Kiner and the Management Defendants**  
**(violation of RICO, 18 U.S.C. § 1962(d))**

243. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

244. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 244 of the Amended Complaint.

245. Defendant denies the allegations contained in paragraph 245 of the Amended Complaint.

246. Defendant denies the allegations contained in paragraph 246 of the Amended Complaint.

247. Defendant denies the allegations contained in paragraph 247 of the Amended Complaint.

248. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 248 of the Amended Complaint.

249. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 249 of the Amended Complaint.

**FOURTH CAUSE OF ACTION**  
**Against Arnica Acupuncture, Kiner, and the Management Defendants**  
**(Common Law Fraud)**

250. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

251. Defendant denies the allegations contained in paragraph 251 of the Amended Complaint.

252. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 252 of the Amended Complaint.

253. Defendant denies the allegations contained in paragraph 253 of the Amended Complaint.

254. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 254 of the Amended Complaint.

255. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 255 of the Amended Complaint.

256. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 256 of the Amended Complaint.

**FIFTH CAUSE OF ACTION**  
**Against Arnica Acupuncture, Kiner, and the management Defendants**  
**(Unjust Enrichment)**

257. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

258. Defendant denies the allegations contained in paragraph 258 of the Amended Complaint.

259. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 259 of the Amended Complaint.

260. Defendant denies the allegations contained in paragraph 260 of the Amended Complaint.

261. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 261 of the Amended Complaint.

262. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 262 of the Amended Complaint.

**SIXTH CAUSE OF ACTION**  
**Against Wolfson and the Management Defendants**  
**(Violation of RICO, 18 U.S.C. § 1962(c))**

263. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

264. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 264 of the Amended Complaint.

265. Defendant denies the allegations contained in paragraph 265 of the Amended Complaint.

266. Defendant denies the allegations contained in paragraph 266 of the Amended Complaint.

267. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 267 of the Amended Complaint.

268. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 268 of the Amended Complaint.

269. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 269 of the Amended Complaint.

**SEVENTH CAUSE OF ACTION**  
**Against Wolfson and the Management Defendants**  
**(Violation of RICO, 18 U.S.C. § 1962(d))**

270. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

271. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 271 of the Amended Complaint.

272. Defendant denies the allegations contained in paragraph 272 of the Amended Complaint.

273. Defendant denies the allegations contained in paragraph 273 of the Amended Complaint.

274. Defendant denies the allegations contained in paragraph 274 of the Amended Complaint.

275. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 275 of the Amended Complaint.

276. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 276 of the Amended Complaint.

**EIGHTH CAUSE OF ACTION**  
**Against Global Acupuncture, Wolfson, and the Management Defendants**  
**(Common Law Fraud)**



277. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

278. Defendant denies the allegations contained in paragraph 278 of the Amended Complaint.

279. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 279 of the Amended Complaint.

280. Defendant denies the allegations contained in paragraph 280 of the Amended Complaint.

281. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 281 of the Amended Complaint.

282. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 282 of the Amended Complaint.

283. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 283 of the Amended Complaint.

#### **NINTH CAUSE OF ACTION**

#### **Against Global Acupuncture, Wolfson, and the management Defendants (Unjust Enrichment)**

284. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

285. Defendant denies the allegations contained in paragraph 285 of the Amended Complaint.

286. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 286 of the Amended Complaint.

287. Defendant denies the allegations contained in paragraph 287 of the Amended Complaint.

288. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 288 of the Amended Complaint.

289. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 289 of the Amended Complaint.

**TENTH CAUSE OF ACTION**  
**Against Shereshevskaya and the Management Defendants**  
**(Violation RICO, 18 U.S.C. § 1962(c))**

290. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

291. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 291 of the Amended Complaint.

292. Defendant denies the allegations contained in paragraph 292 of the Amended Complaint.

293. Defendant denies the allegations contained in paragraph 293 of the Amended Complaint.

294. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 294 of the Amended Complaint.

295. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 295 of the Amended Complaint.

296. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 291 of the Amended Complaint.

**ELEVENTH CAUSE OF ACTION**  
**Against Shereshevskaya and the Management Defendants**  
**(Violation of RICO, 18 U.S.C. § 1962(d))**

297. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

298. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 298 of the Amended Complaint.

299. Defendant denies the allegations contained in paragraph 299 of the Amended Complaint.

300. Defendant denies the allegations contained in paragraph 300 of the Amended Complaint.

301. Defendant denies the allegations contained in paragraph 301 of the Amended Complaint.

302. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 302 of the Amended Complaint.

303. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 303 of the Amended Complaint.

#### **TWELFTH CAUSE OF ACTION**

##### **Against Modern Psychiatric, Shereshevskaya, and the Management Defendants (Common Law Fraud)**

304. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

305. Defendant denies the allegations contained in paragraph 305 of the Amended Complaint.

306. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 306 of the Amended Complaint.

307. Defendant denies the allegations contained in paragraph 307 of the Amended Complaint.

308. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 308 of the Amended Complaint.

309. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 309 of the Amended Complaint.

310. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 310 of the Amended Complaint.

#### **THIRTEENTH CAUSE OF ACTION**

##### **Against Modern Psychiatric, Shereshevskaya, and the Management Defendants (Unjust Enrichment)**

311. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

312. Defendant denies the allegations contained in paragraph 312 of the Amended Complaint.

313. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 313 of the Amended Complaint.

314. Defendant denies the allegations contained in paragraph 314 of the Amended Complaint.

315. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 315 of the Amended Complaint.

316. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 316 of the Amended Complaint.

**FOURTEENTH CAUSE OF ACTION**  
**Against Gad and the Management Defendants**  
**(Violation of RICO, 18 U.S.C. § 1962(c))**

317. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

318. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 318 of the Amended Complaint.

319. Defendant denies the allegations contained in paragraph 319 of the Amended Complaint.

320. Defendant denies the allegations contained in paragraph 320 of the Amended Complaint.

321. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 321 of the Amended Complaint.

322. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 322 of the Amended Complaint.

323. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 323 of the Amended Complaint.

**FIFTEENTH CAUSE OF ACTION**  
**Against Gad and the Management Defendants**  
**(Violation of RICO, 18 U.S.C. § 1962(d))**

324. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

325. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 325 of the Amended Complaint.

326. Defendant denies the allegations contained in paragraph 326 of the Amended Complaint.

327. Defendant denies the allegations contained in paragraph 327 of the Amended Complaint.

328. Defendant denies the allegations contained in paragraph 328 of the Amended Complaint.

329. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 329 of the Amended Complaint.

330. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 330 of the Amended Complaint.

**SIXTEENTH CAUSE OF ACTION**  
**Against Universal Rehab, Gad, and the Management Defendants**  
**(Common Law Fraud)**

331. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

332. Defendant denies the allegations contained in paragraph 332 of the Amended Complaint.

333. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 333 of the Amended Complaint.

334. Defendant denies the allegations contained in paragraph 334 of the Amended Complaint.

335. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 335 of the Amended Complaint.

336. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 336 of the Amended Complaint.

337. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 337 of the Amended Complaint.

**SEVENTEENTH CAUSE OF ACTION**  
**Against Universal Rehab, Gad, and the Management Defendants**  
**(Violation of RICO, 18 U.S.C. § 1962(c))**

338. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

339. Defendant denies the allegations contained in paragraph 339 of the Amended Complaint.

340. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 340 of the Amended Complaint.

341. Defendant denies the allegations contained in paragraph 341 of the Amended Complaint.

342. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 342 of the Amended Complaint.

343. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 343 of the Amended Complaint.

**EIGHTEENTH CAUSE OF ACTION**  
**Against Tolentino and the Management Defendants**  
**(Violation of RICO, 18 U.S.C. § 1962(c))**

344. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

345. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 345 of the Amended Complaint.

346. Defendant denies the allegations contained in paragraph 346 of the Amended Complaint.

347. Defendant denies the allegations contained in paragraph 347 of the Amended Complaint.

348. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 348 of the Amended Complaint.

349. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 349 of the Amended Complaint.

350. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 350 of the Amended Complaint.

**NINETEENTH CAUSE OF ACTION**  
**Against Tolentino and the Management Defendants**  
**(Violation of RICO, 18 U.S.C. § 1962(d))**

351. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

352. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 352 of the Amended Complaint.

353. Defendant denies the allegations contained in paragraph 353 of the Amended Complaint.

354. Defendant denies the allegations contained in paragraph 354 of the Amended Complaint.

355. Defendant denies the allegations contained in paragraph 355 of the Amended Complaint.

356. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 356 of the Amended Complaint.

357. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 357 of the Amended Complaint.

**TWENTIETH CAUSE OF ACTION**  
**Against Speedy Way, Tolentino, and the Management Defendants**  
**(Common Law Fraud)**

358. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

359. Defendant denies the allegations contained in paragraph 359 of the Amended Complaint.

360. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 360 of the Amended Complaint.

361. Defendant denies the allegations contained in paragraph 361 of the Amended Complaint.

362. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 362 of the Amended Complaint.

363. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 363 of the Amended Complaint.

364. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 364 of the Amended Complaint.

**TWENTY-FIRST CAUSE OF ACTION**  
**Against Speedy Way, Tolentino, and the Management Defendants**  
**(Unjust Enrichment)**

365. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

366. Defendant denies the allegations contained in paragraph 366 of the Amended Complaint.

367. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 367 of the Amended Complaint.

368. Defendant denies the allegations contained in paragraph 368 of the Amended Complaint.



369. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 369 of the Amended Complaint.

370. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 370 of the Amended Complaint.

**TWENTY-SECOND CAUSE OF ACTION**  
**Against Rodriguez and the Management Defendants**  
**(Violation of RICO, 18 U.S.C. § 1962(c))**

371. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

372. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 372 of the Amended Complaint.

373. Defendant denies the allegations contained in paragraph 373 of the Amended Complaint.

374. Defendant denies the allegations contained in paragraph 374 of the Amended Complaint.

375. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 375 of the Amended Complaint.

376. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 376 of the Amended Complaint.

377. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 377 of the Amended Complaint.

**TWENTY-THIRD CAUSE OF ACTION**  
**Against Rodriguez and the Management Defendants**  
**(Violation of RICO, 18 U.S.C. § 1962(d))**

378. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

379. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 379 of the Amended Complaint.

380. Defendant denies the allegations contained in paragraph 380 of the Amended Complaint.

381. Defendant denies the allegations contained in paragraph 381 of the Amended Complaint.

382. Defendant denies the allegations contained in paragraph 382 of the Amended Complaint.

383. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 383 of the Amended Complaint.

384. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 384 of the Amended Complaint.

**TWENTY-FOURTH CAUSE OF ACTION**  
**Against Therapeutic Solutions, Rodriguez, and the Management Defendants**  
**(Common Law Fraud)**

385. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

386. Defendant denies the allegations contained in paragraph 386 of the Amended Complaint.

387. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 387 of the Amended Complaint.

388. Defendant denies the allegations contained in paragraph 388 of the Amended Complaint.

389. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 389 of the Amended Complaint.

390. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 390 of the Amended Complaint.

391. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 391 of the Amended Complaint.

**TWENTY-FIFTH CAUSE OF ACTION**  
**Against Therapeutic Solutions, Rodriguez, and the Management Defendants**  
**(Unjust Enrichment)**

392. Defendant Alexander Shvartsberg incorporates, as though fully set forth herein, each and every allegation in the paragraphs set forth above.

393. Defendant denies the allegations contained in paragraph 393 of the Amended Complaint.

394. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 394 of the Amended Complaint.

395. Defendant denies the allegations contained in paragraph 395 of the Amended Complaint.

396. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 396 of the Amended Complaint.

397. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 397 of the Amended Complaint.

**WHEREFORE**, the undersigned respectfully requests the order:

- A. Dismissing Plaintiff's Amended Complaint;
- B. Fees and costs of this action, including reasonable attorney's fees;
- C. Granting such other relief as seems just and proper to the Court.

Dated: Brooklyn, New York  
April 14, 2016

By: /s/ Robert Bondar

Robert Bondar (**RB0225**)  
LAW OFFICE OF ROBERT BONDAR  
28 Dooley Street, 3<sup>rd</sup> floor  
Brooklyn, New York 11235  
(347) 462-3262  
**Attorney for Defendant Alexander Shvartsberg**

**CERTIFICATE OF SERVICE**

The undersigned, a member of the bar of this Court, hereby certifies that Defendant's Answer filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing on April 15, 2016.

Dated: Brooklyn, New York  
April 14, 2016

By: /s/ Robert Bondar  
Robert Bondar